

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ROBERT BERG,

Plaintiff

- against -

M&F WESTERN PRODUCTS, INC.,

Defendant

Case No. 6:19-cv-418-JDK

**PLAINTIFF'S AMENDED  
PRETRIAL DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a) (3) and the Court's Scheduling Order, Plaintiff Robert Berg ("Berg"), discloses the following trial witness, deposition testimony and exhibits.

**I. TRIAL WITNESSES**

- a. Robert Berg, Plaintiff
- b. Monique Compton
- c. Cary Kraft
- d. Paul Eddins
- e. Chad Gist
- f. Jeannie Crumrine LaShelle
- g. Plaintiff further reserves the right to adduce testimony of any witnesses called by Defendant in this matter.

## **II. DESIGNATED DEPOSITION TESTIMONY**

### **A. CARY KRAFT (Deposed Nov. 5, 2020)**

<b>Kraft Testimony</b>
Kraft Tr. 18:9-19
Kraft Tr. 19:8-10
Kraft Tr. 23:19-25
Kraft Tr. 30:9-20
Kraft Tr. 31:10-32:5
Kraft Tr. 38:12-20
Kraft Tr. 41:15-25
Kraft Tr. 43:14-20
Kraft Tr. 44:2-24
Kraft Tr. 45:13-16
Kraft Tr. 46:20-25
Kraft Tr. 53:21-25
Kraft Tr. 54:8-15
Kraft Tr. 60:9-18
Kraft Tr. 61:15-20
Kraft Tr. 64:6-14
Kraft Tr. 74:3-8
Kraft Tr. 79:23-80:6
Kraft Tr. 91:22-92:3

<b>Kraft Testimony</b>
Kraft Tr. 96:14-21
Kraft Tr. 113:19-114:6
Kraft Tr. 115:19-116:3

**B. PAUL EDDINS (Deposed Nov. 4, 2020)**

<b>Eddins Testimony</b>
Eddins Tr. 15:16-16:10
Eddins Tr. 26:4-12
Eddins Tr. 28:20-29:2
Eddins Tr. 29:11-12; 18-23
Eddins Tr. 30:22-31:6
Eddins Tr. 31:14-17; 21-25
Eddins Tr. 32:2-5
Eddins Tr. 33:4-9
Eddins Tr. 36:6-12
Eddins Tr. 38:12-16
Eddins Tr. 42:13-20
Eddins Tr. 43:2-5
Eddins Tr. 44:19-45:10
Eddins Tr. 47:11-24
Eddins Tr. 49:7-19
Eddins Tr. 55:14-16

<b>Eddins Testimony</b>
Eddins Tr. 57:9-58:11
Eddins Tr. 61:21-62:3
Eddins Tr. 62:18-23
Eddins Tr. 65:24-66:6
Eddins Tr. 68:13-69:8
Eddins Tr. 73:10-76:10
Eddins Tr. 76:25-77:21
Eddins Tr. 80:11-16
Eddins Tr. 81:20-25
Eddins Tr. 82:16-83:2
Eddins Tr. 85:25-86:19
Eddins Tr. 87:25-88:5
Eddins Tr. 92:12-20
Eddins Tr. 96:7-10
Eddins Tr. 97:17-23
Eddins Tr. 102:21-103:11
Eddins Tr. 105:21-106:9

**C. JEAN LASHELLE (Deposed Nov. 6, 2020)**

<b>LaShelle Testimony</b>
LaShelle Tr. 27:3-28:15
LaShelle Tr. 33:9-34:4

<b>LaShelle Testimony</b>
LaShelle Tr. 34:15-35:3
LaShelle Tr. 35:10-16
LaShelle Tr. 37:4-23
LaShelle Tr. 38:10-14
LaShelle Tr. 73:12-15
LaShelle Tr. 85:7-12
LaShelle Tr. 88:16-21
LaShelle Tr. 89:2-9
LaShelle Tr. 106:16-18
LaShelle Tr. 107:16-109:18
LaShelle Tr. 115:16-116:4

### **III. TRIAL EXHIBITS**

<b>P. EX.</b>	<b>DESCRIPTION</b>	<b>BATE-STAMP</b>
1	Copyright Registration No. VA 1-091-617, effective June 12, 2000 (Public Catalog)	n/a
2	Copyright Registration No. VA 1-091-617, effective June 12, 2000 (Original Certificate)	RB_1576-77
3	Deposit Copies, VA 1-091-617 (B&W)	n/a
4	Deposit Copies, VA 1-091-617 (Color Examples)	RB_1751-62
5	Copyright Registration No. VA 1-229-288, effective August 29, 2003	n/a

<b>P. EX.</b>	<b>DESCRIPTION</b>	<b>BATE-STAMP</b>
	(Public Catalog)	
6	Deposit Copies, VA 1-229-288	n/a
7	Copyright Registration No. VA 1-159-548, effective July 26, 2002 (Public Catalog Version)	n/a
8	Copyright Registration No. VA 1-159-548, effective July 26, 2002 (Original Version)	RB_1613-15
9	Deposit Copies, VA 1-159-548	n/a
10	Infringement Compilation: M&F Western Products (Side-by-side comparison)	n/a
11	Trademark Deposit, showing first use in commerce Sept. 26, 1992	RB_1139
12	Copyright Registration No. VA 530-294, effective October 23, 1992 (Original Certificatde)	RB_0850-859
13	Copyright Registration No. VA 1-096-096, effective December 27, 2000 (Original Certificate and Deposit Copies)	RB_1601-1611
14	Bob Berg Buckle Designs	RB_1622-41
15	Bob Berg Catalogs / Advertisements	RB_2149-52 RB_0833-41 RB_0846-49 RB_1570-1573
16	Bob Berg Price Lists	RB_0829-32
17	Bob Berg Quote 1996	RB_0153-156

<b>P. EX.</b>	<b>DESCRIPTION</b>	<b>BATE-STAMP</b>
18	Berg Correspondence, dated October 20, 2003	RB_0259-261
19	Letter from Professional Rodeo Association, dated January 8, 2004	RB_0230-231
20	News Article re: Bob Berg (Comboys & Country)	RB_0842-45
21	Deposition transcript of JEAN LASHELLE, dated Nov. 6, 2020	
22	Deposition transcript of PAUL EDDINS, dated Nov. 4, 2020	
23	Deposition transcript of CARY KRAFT, dated Nov. 5, 2020	
24	Samples of Cease and Desist Letters (Sept.-Oct. 2003)	RB_549-673
25	U.S. Bureau Customs – IP Rights Complaint (April 7, 2003)	RB_1558-69
26	Plaintiff Robert Berg’s Rule 26(e) Superseding Answers and Objections to Defendant’s First Set of Interrogatories, dated November 9, 2020	n/a
27	M&F Cross Pendent Designs	M&F_108; M&F_110-12; 115-16; M&F 259-62; M&F 453
28	E-Mail from Kraft to Eddins, dated 12/2/19	M&F_113
29	M&F Spring Preview 2016	RB_117-156
30	M&F Western Accessories June 2017	M&F 157-256
31	M&F Buckles and Jewelry 2016	M&F 263-374
32	M&F 2010 Spring Preview	M&F 375-394

<b>P. EX.</b>	<b>DESCRIPTION</b>	<b>BATE-STAMP</b>
33	E-mail from Gregg LaShelle to Paul Eddins, dated September 25, 2019, with attachment of 1995 catalog	M&F 397-411
34	E-mail from Paul Eddins to Steve Dees, dated December 12, 2019, with attaching of 2019 3-D Catalog	M&F 454-496
35	Berg v. Symons, Decision and Order, dated Sept. 30, 2005 (S.D. Texas)	M&F 555-584
36	M&F Sales Data (2016-2019)	M&F 585
37	Asset Purchase Agreement b/w 3-D Belt Co. and M&F Western Products, Inc, dated December 21, 2018	M&F 586-611
38	Asset Purchase Agreement b/w M&F and Crumrine, dated November 1, 2007	M&F 612-630
39	Ex. A to Amended Complaint – Design Infringements	n/a
40	Answer to Amended Complaint	n/a
41	Linear Cross Design	M&F 19
42	Angular Cross Design	M&F 20
43	Linear Cross Design – 2016 Calendar	M&F 21
44	M&F Financial Spreadsheets [Confidential]	M&F 957-959
45	Agreement b/w M&F and Cary Kraft	M&F 1238-1243

Plaintiff reserves the right to disclose further documents as needed to the extent Defendant



produces additional documents and to respond or rebut evidence adduced by Defendant.

Dated: November 24, 2020

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### **CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true and correct copy of the foregoing PLAINTIFF'S AMENDED PRETRIAL DISCLOSURES has been served via e-mail on November 24, 2020 to counsel listed below.

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